IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

CRP.No. 305 of 2000(C)

(AGAINST THE ORDER DTD. 31/12/1999 IN CEILING CASE NO. TLB.217/TVLA of T.L.B.,THIRUVALLA RECEIVED ON 24/01/2000)
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REVN. PETITIONER: 3RD INTERESTED PARTY:

BAJI VARGHESE,
S/O.LATE ABRAHAM GEEVARGHESE,
PARAYANTHALAVADIYIL,
KADAPRA, THIRUVALLA TALUK.

BY ADV. SRI.V.GIRI

RESPONDENTS: STATE OF KERALA, DECLARANT & INTERESTED PARTIES 1 AND 2:
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1. **STATE OF KERALA REPRESENTED BY THE SECRETARY, LAND BOARD, THIRUVANANTHAPURAM.**

2. **THE CHAIRMAN, TALUK LAND BOARD, THIRUVALLA.**

3. **K.G.NAMBOOTHIRI, KAINIKKARA, ERAVIMANGALATH, NIRANAM KIZHAKKUMBHAGOM, THIRUVALLA.**

4. **M.N.SOMAN, S/O.KOCHURAMAN, KODALIPARAMBIL, KADAPRA.**

5. **V.A.LUKOSE, VENPARAMBIL, KADAPRA.**

BY ADV. SRI.M.C.JOHN for R5
SMT.N.SUDHA DEVI for R3
SMT.R.ASALATHA VARMA
BY GOVERNMENT PLEADER SMT. R.BINDU for R1 & R2

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.R.P.NO.305/2000

ORDER ON C.M.P.NO.598/2000 IN C.R.P.NO.305/2000

DISMISSED

04/06/2007 **SD/-M.N.KRISHNAN, JUDGE**

/TRUE COPY/

KSS

M.N.KRISHNAN, J

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C.R.P. No.305 OF 2000

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Dated this the 4th day of June, 2007

O R D E R

This revision petition is filed by the 3rd interested party in Ceiling Case No.TLB-217/TVLA. The revision petitioner, viz., Baji Varghese has claimed right over 22.875 cents in Sy.No.115/5A and 27.056 cents in Sy.No.115/5C and a perusal of the order would reveal that he had purchased 30 cents from one M.N.Soman and thereby he is claiming property having an extent of 79.931 cents of property. The Taluk Land Board has rejected his contention on the ground that in spite of repeated opportunities he did not present before the Board to represent his case.

2. On the other hand, learned counsel for the revision petitioner would contend that his client had not received any notice. Whatever it may be, the matter involved is a right to property and therefore it is desirable that one more opportunity is given to the civil revision petitioner to put forth his case on merits. The petitioner also would contend that he is entitled to the benefit of Section 7E of the Amended Act 21 of 2006.

3. Learned Government Pleader would contend that the property had

already been taken possession and it is doubtful whether the benefit under Section 7E can be extended to the revision petitioner. They are all factual matters which have to be looked into. Though the revision petitioner has not co-operated with the Board, in the interest of justice, I am giving an opportunity to him.

Therefore the order impugned so far as it relates to Mr.Baji Varghese is set aside and the matter is remanded to the Land Board for fresh consideration. The revision petitioner shall fully co-operate with the TLB for a proper disposal of the matter and the Land Board shall give an opportunity to him to put forth his case on merits, including the claim under Section 7E. Parties are directed to appear before the Land Board on 30.7.2007. If the petitioner does not appear before the Land Board on that day, the Land Board is at liberty to set him ex parte and proceed with the matter.

C.R.P. is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-